

104TH CONGRESS
2D SESSION

S. 1751

To amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1996

Mr. SIMPSON (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROVISION OF COPIES OF BOARD OF VETER-**
4 **ANS' APPEALS DECISIONS.**

5 (a) PROVIDING THE DECISIONS.—Section 7104(e) of
6 title 38, United States Code, is amended by—

1 (1) striking out “mail” and inserting in lieu
2 thereof “send”; and

3 (2) adding at the end of the subsection the fol-
4 lowing: “For the purposes of this subsection, the
5 Board may send a copy of its written decision by
6 any means reasonably calculated to provide the
7 claimant and the claimant’s authorized representa-
8 tive (if any) with a copy of the decision within the
9 same time a copy of the decision sent by first-class
10 mail would be expected to reach them.”

11 (b) BEGINNING OF THE APPEAL PERIOD.—Section
12 7266(a)(1) of title 38, United States Code, is amended
13 by—

14 (1) striking out “person” and inserting in lieu
15 thereof “claimant”;

16 (2) striking out “mailed” and inserting in lieu
17 thereof “sent”; and

18 (3) inserting “to the claimant’s authorized rep-
19 resentative or, if none, to the claimant” following
20 “title”.

21 **SEC. 2. APPOINTMENT OF A VETERANS SERVICE ORGANI-**
22 **ZATION AS A CLAIMANT’S REPRESENTATIVE.**

23 (a) POWER OF ATTORNEY NAMING A VETERANS
24 SERVICE ORGANIZATION.—Section 5902 of title 38, Unit-
25 ed States Code, is amended by—

1 (1) redesignating subsection (c) as subsection
2 (d); and

3 (2) inserting the following new subsection (c):

4 “(c)(1) Unless a claimant specifically indicates his or
5 her desire to appoint only a recognized representative of
6 an organization listed in or approved under subsection (a)
7 of this section, the Secretary may, for any purpose, treat
8 a claimant’s power of attorney naming such an organiza-
9 tion, a specific office of such an organization, or a recog-
10 nized representative of such an organization as an ap-
11 pointment of the entire organization.

12 “(2) Whenever the Secretary is required or permitted
13 to notify a claimant’s representative, and the claimant has
14 named in a power of attorney an organization listed in
15 or approved under subsection (a) of this section, a specific
16 office of such an organization, or a recognized representa-
17 tive of such an organization without specifically indicating
18 a desire to appoint only a recognized representative of the
19 organization, the Secretary shall notify the organization
20 at the address designated by the organization for the pur-
21 pose of receiving each kind of notification.”.

22 (b) APPLICABILITY.—The amendments made by this
23 section apply to any power of attorney filed with the De-

- 1 partment of Veterans Affairs regardless of the date of its
- 2 execution.

